

Offered: 5/1/85
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 133 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to transportation safety and finan-
7 cial responsibility; and providing for an effective
8 date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 28.10.041(a) is amended to read:
11 (a) The department may refuse to register a vehicle if
12 (1) the application contains a false or fraudulent state-
13 ment;
14 (2) the applicant fails to furnish information required by
15 the department;
16 (3) the applicant is not entitled to the issuance of a
17 certificate of title or registration under this chapter;
18 (4) the vehicle is determined to be mechanically unsafe to
19 be driven or moved on a highway, vehicular way or area, or other
20 public property in this state;
21 (5) the department has reasonable grounds to believe that
22 the vehicle was stolen or fraudulently acquired or that the granting
23 of registration would be a fraud against the rightful owner or other
24 person having a valid lien upon the vehicle;
25 (6) the registration of the vehicle has been suspended or
26 revoked for any reason under the laws of this state;
27 (7) the required fees, taxes, motor freight carrier fees or
28 bus transportation fees have not been paid;
29 (8) the vehicle or applicant fails to comply with this

1 chapter or regulations authorized by this section;

2 (9) the vehicle is without a certificate of inspection
3 required under AS 42.30.300.

4 * Sec. 2. AS 42.30.200 is amended to read:

5 Sec. 42.30.200. FINANCIAL RESPONSIBILITY. (a) A person who
6 carries passengers or freight for hire intrastate in a motor vehicle
7 or an aircraft, or a person who carries freight in a motor vehicle for
8 commercial purposes, or a person who rents or leases a motor vehicle
9 for the use of another to carry freight shall procure and maintain
10 security in the following minimum amounts:

11 (1) \$200,000 for property damage in a single occurrence;

12 (2) \$500,000 for bodily injury or death in a single occur-
13 rence if a person operates a motor vehicle; and

14 (3) if a person operates an aircraft, an amount per seat
15 for bodily injury or death in a single occurrence that equals

16 (A) \$100,000; or

17 (B) \$500,000 if the person has agreed to pay or has
18 been ordered to pay \$100,000 or more to another in order to
19 satisfy a settlement or judgment relating to bodily injury or
20 death of a passenger caused by the operation of an aircraft
21 within the preceding 10 years [AN AMOUNT DETERMINED BY THE DE-
22 PARTMENT OF PUBLIC SAFETY AS NECESSARY FOR THE REASONABLE PROTEC-
23 TION OF THE PUBLIC AGAINST DAMAGES OR INJURY CAUSED BY THE
24 PERSON].

25 (b) Evidence of security required under (a) of this section
26 shall be filed with the department and must be

27 (1) a policy or certificate of insurance issued by an
28 insurer acceptable to the department; or

29 (2) a bond of a surety company licensed to write surety

1 bonds in the state; or

2 (3) evidence accepted by the department, showing ability to
3 self-insure; or

4 (4) other security approved by the department.

5 (c) The department may authorize department personnel [ENFORCE-
6 MENT OFFICERS] to enforce this section and may adopt procedural regu-
7 lations necessary to implement this section.

8 * Sec. 3. AS 42.30.200 is amended by adding new subsections to read:

9 (d) A policy of insurance, surety bond, or other form of secur-
10 ity may not be cancelled on less than 30 days' written notice to the
11 department. This requirement must be clearly stated in the policy or
12 endorsement for an insurance policy submitted as proof of financial
13 responsibility under AS 42.30.225(a)(1). The 30-day notice period is
14 measured from the date on which the department receives notice.

15 (e) A person who violates (a) of this section is guilty of a
16 class B misdemeanor and is punishable by a fine of not less than \$500
17 or more than \$1,000.

18 * Sec. 4. AS 42.30 is amended by adding new sections to read:

19 Sec. 42.30.225. CERTIFICATION OF COMPLIANCE OF AIR CARRIERS.

20 (a) A person may not use an aircraft in air commerce before obtaining
21 an annual certificate of compliance for that aircraft from the depart-
22 ment. The department shall issue or renew a certificate of compliance
23 upon application and presentation of

24 (1) proof of financial responsibility required under
25 AS 42.30.200;

26 (2) proof of compliance with Federal Aviation Administra-
27 tion requirements, and, where applicable, federal certification for
28 scheduled airline service.

29 (b) The annual fee for a certificate of compliance is \$50. The

1 certificate is valid for a period of 12 months following the date of
2 certification. The certificate shall be displayed on the aircraft so
3 that it is visible to boarding passengers.

4 (c) A federally-certificated interstate air carrier that pro-
5 vides intrastate service between points in the state on an interstate
6 or foreign route, and who uses, for that intrastate service, aircraft
7 based primarily outside the state, shall also obtain a certificate of
8 compliance for each aircraft used in intrastate service.

9 (d) Use of an aircraft in air commerce before obtaining a cer-
10 tificate of compliance required under (a) of this section may be cause
11 for denial of the certificate.

12 (e) A person who has obtained a certificate to use an aircraft
13 in air commerce from the Alaska Transportation Commission before the
14 effective date of this Act is not required to obtain a certificate of
15 compliance under (a) of this section until the date the insurance
16 policy for the aircraft is renewed.

17 (f) The department may authorize department personnel to enforce
18 this section and may adopt procedural regulations necessary to imple-
19 ment this section.

20 ARTICLE 6. MOTOR VEHICLE SAFETY INSPECTIONS.

21 Sec. 42.30.300. MOTOR VEHICLE SAFETY INSPECTIONS. (a) After
22 January 1, 1986, a motor vehicle may not be operated without a certi-
23 ficate of inspection. An owner of a motor vehicle shall renew a
24 certificate of inspection at least twice a year at an official in-
25 spection station under AS 42.30.320. An owner of a motor vehicle
26 shall display a sticker of inspection visible from outside the vehicle
27 in a location determined by the department.

28 (b) The commissioner of commerce and economic development may
29 adopt procedural regulations appropriate to achieve reciprocity with

1 other western states and procedural regulations necessary to implement
2 this section.

3 Sec. 42.30.310. EXEMPTIONS. A motor vehicle is exempt from the
4 requirements of AS 42.30.300 if it is

- 5 (1) owned by the federal government;
6 (2) owned and operated by a person who uses the motor
7 vehicle exclusively for other than commercial purposes; or
8 (3) is driven or moved on a highway, vehicular way, or a
9 public parking place in the state that is not connected by a land
10 highway or vehicular way to

- 11 (A) the land-connected state highway system, or
12 (B) a highway or vehicular way with an average daily
13 traffic volume greater than 499.

14 Sec. 42.30.320. OFFICIAL INSPECTION STATIONS. (a) A person may
15 not operate an inspection station without a permit from the depart-
16 ment. The department shall approve an application for permit to
17 operate an inspection station if

- 18 (1) the department determines the inspection station has
19 proper equipment and competent personnel; and
20 (2) a certified vehicle inspector under AS 42.30.330 is
21 employed at the inspection station.

22 (b) After the department approves an application for permit to
23 operate an official inspection station under (a) of this section, it
24 shall provide the applicant with a permit and certificates of inspec-
25 tion.

26 (c) Upon receipt of a permit from the department under (a) of
27 this section, the operator of an official inspection station shall
28 post the permit in a conspicuous place at the location designated by
29 the department.

1 (d) The department may inspect a motor vehicle or enter the
2 premises of an official inspection station at any time to inspect the
3 work of the certified vehicle inspectors under AS 42.30.330 or to
4 determine if the operator continues to meet the requirements of this
5 section.

6 (e) The department shall suspend or revoke a permit of an opera-
7 tor of an official inspection station if the operator fails to meet
8 the requirements of this section.

9 (f) Upon notice of suspension or revocation of a permit under
10 (e) of this section, the operator of an official inspection station
11 shall immediately terminate all inspection activities, and on demand
12 by the department, return the permit and all certificates of inspec-
13 tion. The department shall issue a receipt for all returned certifi-
14 cates of inspection.

15 (g) If a permit is suspended or revoked under (e) of this sec-
16 tion, the department shall give an operator of an official inspection
17 station a hearing, upon written request filed with the department
18 within 10 days after suspension or revocation.

19 (h) A permit to operate an official inspection station may not
20 be assigned, transferred, or used at a location other than the lo-
21 cation designated by the department.

22 Sec. 42.30.330. CERTIFICATION OF VEHICLE INSPECTORS. (a) A
23 person may not conduct a motor vehicle inspection at an official
24 inspection station under AS 42.30.320 unless certified as a vehicle
25 inspector by the department.

26 (b) The department may suspend or revoke the certification
27 issued to a vehicle inspector under (a) of this section if the vehicle
28 inspector improperly conducts inspections or fails to comply with a
29 provision of this section.

1 (c) If a certificate is revoked or suspended under (b) of this
2 section the department shall give a vehicle inspector a hearing upon
3 written request filed with the commissioner within 10 days after
4 denial or suspension.

5 Sec. 42.30.340. ISSUANCE OF CERTIFICATE OF INSPECTION. (a) A
6 person operating an official inspection station shall issue a certifi-
7 cate of inspection to the owner of a motor vehicle after determining
8 the motor vehicle is in a safe and mechanically sound condition.

9 (b) A person operating an official inspection station shall keep
10 a record of each inspection performed at the station, and the depart-
11 ment may audit the records of an official inspection station at any
12 time.

13 Sec. 42.30.350. FALSELY REPRESENTING TO BE AN OFFICIAL STATION.
14 (a) A person may not represent a place as an official inspection
15 station unless the station is operating under a valid permit issued by
16 the department under AS 42.30.320.

17 (b) A person may not issue a certificate of inspection unless
18 the person holds a valid permit under AS 42.30.320.

19 Sec. 42.30.360. COUNTERFEIT CERTIFICATES OF INSPECTION. (a) A
20 person may not make, issue, or knowingly use an imitation or counter-
21 feit of an official certificate of inspection.

22 (b) A person may not knowingly display or issue a certificate
23 of inspection on a motor vehicle unless the motor vehicle has met the
24 requirements of AS 42.30.340.

25 Sec. 42.30.370. VIOLATION A MISDEMEANOR. A person who violates
26 a provision of AS 42.30.300 - 42.30.360 is guilty of a class B misde-
27 meanor.

28 Sec. 42.30.380. DEFINITIONS. (a) In AS 42.30.200 - 42.30.380,

29 (1) "air carrier" means a person undertaking to engage in

1 air commerce, whether directly or indirectly, or by lease, contract,
2 or any other arrangement, and whether over regular or irregular
3 routes;

4 (2) "air commerce" means carriage by aircraft of persons or
5 freight for commercial purposes or hire in intrastate commerce, in-
6 cluding the carriage by aircraft of persons or freight that move
7 partly by aircraft and partly by other forms of transportation;

8 (3) "aircraft" means a propeller or jet-powered device used
9 or designed for flight in the air;

10 (4) "commercial purposes" means activities for which the
11 person receives direct monetary compensation and does not include
12 activities incidental to and done in furtherance of the person's
13 primary business;

14 (5) "department" means the Department of Commerce and
15 Economic Development;

16 (6) "freight" means commodities, articles, and cargo, of
17 whatever nature or value, excluding garbage and trash;

18 (7) "highway" has the meaning given in AS 28.40.100;

19 (8) "motor vehicle" means

20 (A) a truck of more than 10,000 pounds unladen gross
21 vehicle weight used upon a public highway of this state; and

22 (B) a trailer registered in this state of more than
23 5,000 pounds unladen gross vehicle weight and used upon a public
24 highway of this state;

25 (9) "vehicular way" has the meaning given in AS 28.40.100.

26 (b) In AS 42.30.300 - 42.30.370, "motor vehicle" includes a
27 school bus.

28 * Sec. 5. AS 44.33.020 is amended by adding a new paragraph to read:

29 (27) implement the safety and financial responsibility

1 requirements for motor vehicles and air carriers under AS 42.30.200 -
2 42.30.380.
3 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
4 10.070(c).